

1 THE HONORABLE THOMAS S. ZILLY
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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON

7 PROJECT VERITAS,

8 Plaintiff,

9 v.

10 THE LELAND STANFORD JUNIOR
11 UNIVERSITY and THE UNIVERSITY OF
12 WASHINGTON,

Defendants.

No. 2:21-cv-01326-TSZ

PLAINTIFF'S MOTION TO EXTEND
INITIAL SCHEDULING DEADLINES

NOTING DATE: NOVEMBER 12, 2021

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14 PLAINTIFF'S MOTION TO EXTEND INITIAL SCHEDULING DEADLINES

15 Plaintiff Project Veritas submits this Motion to Extend Initial Scheduling Deadlines in
16 response to the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early
17 Settlement, ECF No. 13, entered on September 30, 2021 in this matter (the "Initial Scheduling
18 Order").

19 This defamation action arises out of the publication of a false and defamatory blog post by
20 a newly-formed group calling itself the "Election Integrity Partnership," a joint undertaking by
21 employees and agents of the Defendants, The Leland Stanford Junior University ("Stanford") and
22 The University of Washington. After the defamatory statements were published, Project Veritas
23 sought to correct the record and demanded retractions from the Defendants. The Defendants
24 refused to correct their false statements. Therefore, Project Veritas filed this lawsuit on September
25 29, 2021, and the timing of the filing was motivated in part by a desire to preserve these claims as
26 against any potential statute of limitations bar.

1 The Initial Scheduling Order set a deadline of November 15, 2021 for the parties to hold a
2 Rule 26(f) conference and a deadline of November 29, 2021 for the parties to submit a joint status
3 report and joint discovery plan. However, Project Veritas is not able to confer with Defendants
4 and submit a joint proposal by these dates because Defendants have not yet been served with
5 process. The delay in service is due to the State of Washington’s 60-day notice requirement for
6 tort claims involving agencies of the State. Project Veritas served the University of Washington
7 with the required Notice of Claim on September 29, 2021 (the same day that it filed its Complaint),
8 and thus the 60-day notice period will not run until November 28, 2021—after the current deadline
9 for the Rule 26(f) conference and just one day prior to the current deadline for submitting a joint
10 status report and discovery plan.

11 Although the 60-day tort claim notice period is ostensibly for the purpose of allowing the
12 State to resolve potential claims, Project Veritas notes that although it submitted its Notice of
13 Claim to the University of Washington well over a month ago, the University of Washington has
14 yet to respond to the notice at all, let alone make any attempt to resolve the claim. And there can
15 be no dispute that the University of Washington has been fully on notice of this dispute for nearly
16 a year. Project Veritas made numerous requests for a retraction of the statements at issue
17 beginning nearly a year before this suit was filed and continuing right up to the filing date, but all
18 of those requests were refused by The University of Washington and Stanford. Nevertheless, the
19 State has refused Project Veritas’ request to waive the 60-day notice period. Thus, the earliest
20 that Project Veritas is able to serve the University of Washington with the Complaint and
21 Summons is Monday, November 29, 2021, the first business day after the notice period expires.
22 Project Veritas intends to promptly serve both Defendants on that date.¹

23 Accordingly, Plaintiff respectfully requests a short 60-day extension of the upcoming Initial
24 Scheduling Order deadlines, so that the conference, disclosure, and joint discovery plan deadlines
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26 ¹ Because the University of Washington cannot be properly served prior to November 29, 2021, Project
27 Veritas elected to defer service on Stanford until the same time as the University of Washington to preserve
judicial economy and to ensure that the response deadlines are coordinated.

1 fall after the time when Plaintiff is first able to complete service. The proposed revised deadlines
2 are as follows:

3 Deadline for FRCP 26(f) Conference:	January 14, 2022
4 Initial Disclosures Pursuant to FRCP 26(a)(1):	January 28, 2022
5 Combined Joint Status Report and Discovery 6 Plan as Required by FRCP 26(f) and Local Civil Rule 26(f): 11/29/2021	January 31, 2022

7 **Conclusion**

8 For the foregoing reasons, Plaintiff Project Veritas respectfully requests that the Court
9 grant its motion and extend the relevant deadlines to the dates proposed above.

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11 November 12, 2021.
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ATTORNEYS FOR PLAINTIFF
PROJECT VERITAS

[PROPOSED] ORDER

In consideration of Plaintiff Project Veritas's Motion to Extend Initial Scheduling Deadlines, the deadlines in this Court's Order of September 30, 2021 are hereby extended as follows:

Deadline for FRCP 26(f) Conference:	January 17, 2022
Initial Disclosures Pursuant to FRCP 26(a)(1):	January 31, 2022
Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f): 11/29/2021	January 31, 2022

It is so ordered.

Dated this _____ day of November, 2021.

Thomas S. Zilly

United States District Judge